

CHAD A. READLER  
Acting Assistant Attorney General

BRIAN STRETCH  
United States Attorney

ELIZABETH J. SHAPIRO  
Deputy Branch Director

MATTHEW J. BERNS (DC Bar No. 998094)  
KARI E. D’OTTAVIO (NY Bar No. 5338785)  
Trial Attorneys  
(202) 305-0568  
(202) 616-8470 (Fax)  
kari.e.d’ottavio@usdoj.gov  
United States Department of Justice  
Civil Division  
Federal Programs Branch  
20 Massachusetts Ave., N.W.  
Washington, DC 20530

*Counsel for Defendants*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

CORA CURRIER,

Plaintiff,

v.

DEPARTMENT OF HOMELAND SECURITY,  
DEPARTMENT OF STATE,  
DEPARTMENT OF JUSTICE, and  
DEPARTMENT OF DEFENSE,  
Defendants.

Case No. 3:17-cv-01799-JSC

**JOINT STATUS REPORT**

Date: September 7, 2017  
Time: 2:00 p.m.  
Place: Courtroom F, 15th Floor  
Magistrate Judge Jacqueline Scott Corley

Plaintiff Cora Currier and Defendants—the Department of State (DOS), the Department of Justice (DOJ), the Department of Defense (DOD), and the Department of Homeland Security (DHS)—respectfully submit this Joint Status Report pursuant to the Court’s Minute Order of August 24, 2017 [ECF No. 29].<sup>1</sup>

<sup>1</sup> The components of DOJ and DHS that are processing Plaintiff’s requests are: (1) the Executive Office for United States Attorneys (“EOUSA”); (2) the Federal Bureau of Investigation (“FBI”); (3) the Office of Legal Counsel (“OLC”); (4) the Office of Information Privacy (“OIP”); (5) the U.S. Marshals Service (“USMS”); (6) the DHS Privacy Office (“DHS-PRIV”); (7) U.S. Customs and Border Protection (“CBP”); and (8) DHS’s Office of the Inspector General (“DHS-OIG”).

1           1.       This case arises from multiple Freedom of Information Act (FOIA) requests submitted by  
2 Plaintiff, dated February 1, 2017, and April 3, 2017. The requests seek records from the four defendant  
3 agencies, including from multiple offices and/or sub-agencies within them.

4           2.       On August 24, 2017, the Court held a hearing on Plaintiff's Motion for Preliminary  
5 Injunction. The Court denied the Motion for Preliminary Injunction; instructed the parties to meet and  
6 confer regarding the processing of Plaintiff's FOIA requests; ordered the parties to file a Joint Status  
7 Report by September 6, 2017; and set a status hearing for September 7, 2017.

8                   **Discussions Between the Parties Since the Hearing**

9           3.       As instructed, counsel for the parties met and conferred in person on August 24, 2017.  
10 The parties discussed potential approaches to narrowing, clarifying, and/or prioritizing Plaintiff's FOIA  
11 requests. And, as discussed further below, counsel for Defendants was able to obtain and provide  
12 Plaintiff with new information regarding OLC's processing of Plaintiff's FOIA requests.

13           4.       The parties have continued to confer since August 24, 2017, and to discuss potential  
14 approaches to narrowing, clarifying, and/or prioritizing Plaintiff's FOIA requests. Plaintiff has provided  
15 Defendants with a list of types of records that Plaintiff would like Defendants to prioritize or de-  
16 prioritize. Plaintiff also has narrowed the scope of two parts of certain of her FOIA requests, and  
17 clarified one of the limitations that Plaintiff has placed on her FOIA requests to DOS in July 2017.

18           5.       During a conference call on August 30, 2017, counsel for Defendants provided counsel  
19 for Plaintiff with additional proposals for narrowing the scope of Plaintiff's requests in ways that would  
20 allow Defendants to reduce the number of potentially responsive records requiring manual review.  
21 These proposals include adjusting the date ranges covered by the FOIA requests, excluding certain  
22 agency offices from the scope of the FOIA requests, and making other clarifications or modifications,  
23 several of which are agency-specific. Plaintiff is considering these proposals.

24           6.       The parties expect to continue their discussions after the upcoming status hearing.

25                   **Production Updates and Status**

26           7.       DOJ-FBI: FBI released four pages of responsive records with redactions on August 24,  
27 2017. Seven additional pages are pending interagency review, which is now ongoing.

28           8.       DOJ-EOUSA: EOUSA released 73 pages of responsive records with redactions on

1 September 5, 2017. EOUSA's remaining responsive records are pending interagency review, which is  
2 now ongoing.

3 9. DOJ-OLC: At the hearing on August 24, 2017, Defendants were unable to provide any  
4 new information regarding the timetable for OLC's processing of Plaintiff's FOIA requests. OLC can  
5 now represent that it anticipates completing its initial manual responsiveness review of the potentially  
6 responsive records that it has not already released to Plaintiff by the end of September 2017. OLC  
7 anticipates beginning rolling productions in October 2017. (Some productions may consist entirely of  
8 the denial in full of a specified number of pages.) OLC anticipates being able to estimate when it will  
9 complete its response to Plaintiff's FOIA requests once OLC has completed its initial manual  
10 responsiveness review.

11 10. DOJ-OIP: OIP anticipates making its next release, which it anticipates will be  
12 approximately 100 pages, in mid-September. OIP plans to make additional rolling releases on  
13 approximately a monthly basis thereafter. OIP also is actively reviewing records received from other  
14 agencies in response to requests for interagency review.

15 11. DOD: DOD made another interim production of 56 pages on August 31, 2017, with 17  
16 pages being released in full and 39 pages being withheld in full. DOD plans to make additional rolling  
17 releases on approximately a monthly basis thereafter.

18 12. DOS: DOS anticipates making its next interim production on September 8, 2017, and  
19 making rolling productions on approximately a monthly basis thereafter.

20 13. DHS-PRIV: DHS-PRIV anticipates making its next interim production by September 11,  
21 2017, and to continue making rolling productions thereafter.

22 14. DHS-CBP: DHS-CBP anticipates making its next interim production by September 15,  
23 2017, and to continue making rolling productions thereafter.

24 15. The status for DOJ-USMS and DHS-OIG remains unchanged from the filing of  
25 Defendants' brief on August 10, 2017.

1 Date: September 6, 2017

Respectfully submitted,

2 CHAD A. READLER  
Acting Assistant Attorney General

3 BRIAN STRETCH  
4 United States Attorney

5 ELIZABETH J. SHAPIRO  
Deputy Branch Director

6 /s/ Kari E. D'Ottavio  
7 KARI E. D'OTTAVIO  
8 Trial Attorney  
9 U.S. Department of Justice  
10 Civil Division, Federal Programs Branch  
11 20 Massachusetts Avenue NW  
Washington, DC 20530  
(202) 305-0568  
(202) 616-8470 (Fax)  
kari.e.d'ottavio@usdoj.gov

12 *Counsel for Defendants*

13 /s/ Marcia Hofmann  
14 Marcia Hofmann  
15 ZEITGEIST LAW PC  
25 Taylor Street  
16 San Francisco, CA 94102  
Email: marcia@zeitgeist.law  
Telephone: (415) 830-6664

17 Attorney for Plaintiff CORA CURRIER  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**LOCAL RULE 5-1(i) ATTESTATION**

I certify that I have obtained Marcia Hofmann's concurrence in the filing of this document.

/s/ Kari E. D'Ottavio  
Kari E. D'Ottavio